UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,643	10/27/2003	William McLain Reller	026296-000310US	4009

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ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 November 2010_.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-4,6-30 and 32-36_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-4, 6-30, 32-36_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Status of Claims

Claims 1-4 and 6-30, 32-36 are now pending. Claims 5, 31 cancelled. Claims 1, 6-10, 11, 22, 30, 32-26 are amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-30, 32-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Jha et al. (2005/0033641) hereinafter referred to as Jha in view of Szabo, 7181438 hereinafter referred to as Szabo.

Claims 1-4, 13-14, 16-21, 27-36 Jha discloses User initiates search with **keyword** (Fig. 1, step 104); **Select Advertisement**(S) For **Presentment To The Requester** Utilizing The Ad Parameters (Fig. 11; Fig. 19, step 1908); Advertiser profile/Keyword profile may refer to the keywords or phrases that may be specified by the advertiser, corresponding to the given advertisement. (Page 6, Para 108); Past search referral query may refer to a search referral query that a user may have used, prior to the current visit, to find and access a web page. (Page 10, Para 172); Inputs

used by the ad targeting algorithm may include the following:... **One or more past**

search referral queries, if available, associated with the current visitor.

...Advertiser bid price. Click-through rate (CTR) of a particular ad on a particular web

page. Conversion Rate (CR) of a particular ad on a particular web page. ...[

productivity value](Page 6, Para 81,84, 92, 93, 94); **Publisher profile/content**

profile/Term Collection may refer to a collection of words, and their frequencies,

appearing in the given publisher web page. [Examiner holds that the **"given**

publisher web page" is a preexisting document that is requested by the user,

analyzed for content, and used as a basis to select an ad. The "given publisher web

page" (preexisting document) is then delivered to the user. The ad is also delivered to

the user. Para 96-98]. In one embodiment, these words may be extracted from the

document by using a parser specific to the formatting language used to format the

document. Such as for example, an HTML parser may be used to parse an HTML page.

The effect of using a parser may be to exclude the formatting commands like HTML

tags, and extract only the words that may be visible to a user visiting the page. **Further,**

the frequency of occurrence of these words may be weighted by several

coefficients. These coefficients may include (i) IDF (Inverse Document

Frequency), (ii) specific weights based on the part of the document where the

word occurs e.g. higher weight if the word occurs in the paragraph heading that if

the word occurs in the body of the paragraph.(Page 6, Para 98). Jha teaches an ad

targeting algorithm which is a calculated using among other information publisher

content information about keywords in a document including Inverse Document

Frequency coefficients and specific weights based on the part of the document where the word occurs which examiner takes as a relevancy score and click through rates and conversion rates of a web page which serve as a productivity value. Ads are sorted, then selected based on this calculation.(Page 6, Para 85 and 98). This algorithm takes into account supplemental content sources (queries, categorizations, etc.) which Examiner takes as a decision matrix or process.

Jha does not teach multiple sources of ads. Szabo teaches a system providing a means for tanking information objects having defined characteristics, wherein identification of objects are provided with an associated ranking using a plurality of methods, and wherein the rankings produced by the plurality of methods are processed to produce a composite ranking. (Col CC, Lines 34-43); the portions most likely to be relevant should preferably be displayed on the first page. (Col 74, Lines 26-28); Szabo also provides for "objective relevance ranking" ...ordered by economic criterion, highest utility (Col 89, Lines 51-67) and providing access to an object search engine for selecting objects from a set of objects, according to a user-defined information content criteria, and returning at least respective resource locators of selected objects; presenting to the user at least three of the selected objects according to a hierarchal organizational structure having at least three hierarchal levels, a respectively lower level falling within a respectively higher level having a generic characteristic, wherein a selected object is automatically placed within the hierarchal organizational structure based on a respective information content of the at least two selected objects, to thereby group objects having an information content relation and classify characteristics

of objects within; inserting objects extrinsic to the selected objects responsive to the

user-defined information content criteria, into classes within the hierarchal

organizational structure, said extrinsic objects having a contextual relevance to

respective information content of a hierarchal level in which they are inserted, wherein

at least one of an insertion and a selection by the user of an with an extrinsic object is

selectively associated with a sponsor payment; and accounting in a database for said

sponsor payments. (Col 95, Claim 1), all of which examiner takes to be multiple sources

of ads and that are selected based on relevant content and payment specified by

advertiser.

     Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention to include the object relevancies (keyword and document)

ranks or indexes am a clear representation of the results of relevance ranking (Col 63,

Lines 1-2) and the productivity, of Szabo, providing an opportunity for a searching

service to share in its other revenues with its frequent users, for example such reward

being proportionate to their use, as measured for example by duration, frequency,

clock-through, purchases or otherwise, (Col 68, Lines 44-48). Examiner takes this to be

a productivity based on revenue opportunities from advertisers and ad content sources.

Ranked relevant content presentation taking into account revenue provides an

opportunity to optimize for content to users and fees to search provider.

Claims 6-8, 10, Jha discloses User initiates search with **keyword** (Fig. 1, step

104); Filter based on **bid prices**; Sort ads using a combination of (a) Advertiser **bid**

price, (b)CTR,(c) Conversion rate (Fig. 18, step 1804, 1816); Publisher profile/content

profile/Term Collection may refer to a **collection of words**, and their frequencies,

appearing in the given publisher web page. In one embodiment, these words may be

extracted from the document by using a parser specific to the formatting language used

to format the document. Such as for example, an HTML parser may be used to parse

an HTML page. The effect of using a parser may be to exclude the formatting

commands like HTML tags, and extract only the words that may be visible to a user

visiting the page. Further, the frequency of occurrence of these words may be weighted

by several coefficients. These coefficients may include (i) IDF (Inverse Document

Frequency), (ii) specific weights based on the part of the document where the word

occurs e.g. higher weight if the word occurs in the paragraph heading that if the word

occurs in the body of the paragraph.(page 6, Para 98).;

Jha does not teach multiples sources, Szabo teaches the search effort may be

focused to those types of sources that are most likely to return useful results while

avoiding those sources that would return less relevant results. (Col 92, Lines15-18).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention to include the comparison of content from multiple sources

using relevancy and productivity indices to provide relevant content to users that would

also maximize revenue to provider parties.

Claim 9, Jha discloses In operation 1802, an initial set of **relevant** advertisement may be selected from the Advertisement database, using available information including search referral query, past search referral queries, publisher profile, and advertiser profile (Page 7, Para 118).[parameters are evaluated].

Jha does not teach multiples sources, Szabo teaches the search effort may be focused to those types of sources that are most likely to return useful results while avoiding those sources that would return less relevant results. (Col 92, Lines15-18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the comparison of content from multiple sources using relevancy and productivity indices to provide relevant content to users that would also maximize revenue to provider parties.

Claim 11-12, Jha discloses Inverse Document Frequency (IDF) is used to weight the frequency of a particular word in a web page. It may be used to compute a web page's similarity to another web page, its relevance to a search query. Refer to the book "Mining the web: Discovering Knowledge from Hypertext Data" by Soumen Chakrabarti, for a discussion.(Page 10, Para 170); past search referral query (Page 8, Para 130); Past search referral query(Page 8, Para 130); Past search referral query may refer to a search referral query that a user may have used, prior to the current visit, to find and access a web page. [preexisting document] (Page 10, Para 172). The Advertiser profile has a keyword profile corresponding to the given advertisement. (Page 6, Para 108).

Jha teaches an ad targeting algorithm which is a calculated using among other information publisher content information about keywords in a document including Inverse Document Frequency coefficients and specific weights based on the part of the document where the word occurs which examiner takes as a relevancy score and click through rates and conversion rates of a web page which serve as a productivity value. Ads are sorted, then selected based on this calculation.(Page 6, Para 81);

Szabo teaches ranking is associated with a sponsor payment; and accounting in a database for said sponsor payments. (Col 95, Claim 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the comparison of content from multiple sources using relevancy and productivity indices to provide relevant content to users that would also maximize revenue to provider parties.

Claim 15, Jha discloses This invention allows advertisers and publishers to **set different bid prices and/or different pricing models for different types of visits.** (Page 8, Para 128); **Price bidding may be allowed** that is a function of the type of visit the current visit is. (page 17, Para 259).

Claim 22, 24 Jha discloses In operation 1818, the top N ads, from the sorted ad list from operation 1816, may be selected where N is the maximum number of ad(s) that may fit in the space provided on the publisher web page. If the number of available ads is less than N, then all the ads may be selected. (Page 7, Para 126); an advertiser may

specify a different max cost-per-click (CPC) price for each of the following types of

visits: (a) Search engine referral with search referral query; (b) Past search referral

query; and (c) Visits that cannot be related to prior search referrals. (page 8, Para 128-

131); Advertiser bid price may refer to the maximum price that an advertiser may be

willing to pay. Depending on the pricing model, this may refer to the maximum price

each time the ad is shown ("per impression"), selected ("per click-through"), or

converted into a customer ("per acquisition"), among other pricing models.(Page 9, Para

152).

In operation 104, the user may input search query into the location accessed in

operation 102 (e.g., into the search box) and initiate a search. Exemplary ways of

inputting search query include user clicking on a Hyperlink on a web site/web page that

may already include a **pre-selected search query**.(Page 3, Para 41). In a further

embodiment, information about **previous accesses to the web page may be**

collected and used to determine a context of the web page. The context information

about the web page may then be utilized in the selection of the one or more

advertisements. As another option, the collected information about the previous

accesses to the web page may include information about one or more search queries

posed to a search engine that resulted in the selection of a link to the web page in the

search results returned by the search engine.(Page 8, Para 139)

In one embodiment, the ad server may **select the advertisement(s) from a set**

of advertisement(s) stored in a local database. Exemplary ways of selecting

advertisement include requesting advertisement(s) from other computer(s), network(s),

or remote database(s). In addition to selecting advertisement(s), the ad server may also

dynamically construct, and/or request other computer(s) to dynamically construct on its

behalf, advertisement(s), or portions of advertisement(s). The selection and/or

construction of advertisement(s) may be based on **ad parameter values** sent by the ad

script as part of the ad request 1002, and/or other information available to the ad

server.(Page 5, Para 67); ad position in list of ads,(Page 5, Para 76); **relevance** comes

from **weighted coefficients**. These coefficients may include (i) IDF (Inverse Document

Frequency), (ii) specific weights based on the part of the document where the word

occurs e.g. higher weight if the word occurs in the paragraph heading that if the word

occurs in the body of the paragraph.(page 6, Para 98). Advertiser profile/**Keyword**

profile may refer to the keywords or phrases that may be specified by the advertiser,

corresponding to the given advertisement. (Page 6, Para 108);The targeting algorithm

may include .... Search referral query, if available, for the **current visit to the given**

web page.One or more past search referral queries, if available, associated with the

current visitor. Publisher profile [which contains key word relevance]...**Advertiser bid**

price; Click-through rate (CTR) of a particular ad on a particular web page.

Conversion Rate (CR) of a particular ad on a particular web page.(Page 6, Para 81-

94). Examiner holds that through this process, advertisements are prioritized and

selected based on a combination at least of key word relevance and highest revenue

generation potential indicating a productivity value using keyword relevance.

Jha does not teach multiples sources, Szabo teaches the search effort may be focused to those types of sources that are most likely to return useful results while avoiding those sources that would return less relevant results. (Col 92, Lines15-18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the comparison of content from multiple sources using relevancy and productivity indices to provide relevant content to users that would also maximize revenue to provider parties.

Claim 23, Jha discloses Publisher may refer to an entity that creates and publishes web pages with content, often with the purpose of **generating revenues** off the traffic to the pages.(Page 10, Para 173).

Claim 25, Jha discloses different **types** of Advertisements. Advertisement or ad may refer to any piece of text, image, audio, video, or any combination of these. In one embodiment, advertisement may be displayed alongside a web page in the same browser window, or in another browser window as a pop-up, pop-over, pop-off, pop-under, etc.(Page 9, Para 147).

Claim 26, Jha discloses (1b) Publisher profile/content profile/Auto **Category** may refer to the **category** of the web page content, as may be determined by a specialized "**auto-categorization**" program. (1c) Publisher profile/content profile/Manual **Category**

may refer to the **category** of the web page content, as specified by a human. (Page 6,

Para 99-100).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new

ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Colleen Hoar whose telephone number is (571)270-

3447. The examiner can normally be reached on Monday- Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                    Colleen Hoar
                                                    Examiner
                                                    Art Unit 3622

/C. H./ 2/14/2011
Examiner, Art Unit 3622

/NAMRATA BOVEJA/
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